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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,886	03/19/2004	Katsumi Komagamine	Q80625	7161

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EXAMINER	
PARK, CHAN S	

ART UNIT	PAPER NUMBER
2625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/803,886	KOMAGAMINE ET AL.	
	Examiner	Art Unit	
	CHAN S. PARK	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I in the reply filed on 4/21/08 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites a limitation of "restrict[ing] available sizes of the template-related medium". It is unclear if this particular template-related medium has a plurality of sizes. Does not the medium have only one size, which is the second size? It is uncertain as to if the unit is restricting available template-related mediums having different sizes.

Claim 6 recites a limitation of "a maximum size of the reproducing medium". It is unclear if this reproducing medium is referring to the reproducing medium having the first size. Moreover, does not the medium have only one size? Can a single recording medium have a plurality of sizes? How does the selection of the recording medium relate to this restricting step? Explanation/clarification from the Specification is respectfully requested.

With respect to claim 7, arguments analogous to those presented for claim 5, are applicable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuka et al. U.S. Patent No. 6,788,425 (hereinafter Ohtsuka) in view of Fukushima et al. U.S. Patent No. 7,151,617 (hereinafter Fukushima).

With respect to claim 1, Ohtsuka discloses an image processing system, comprising:

an operating unit, which select a first size of a reproducing medium (selecting a size in fig. 4);

a size information acquiring unit, which acquires size information related to a template for defining a layout of an object (displaying available templates having different sizes shown in fig. 5B & col. 7, lines 24-30); and

a print control unit, which outputs an instruction for printing a predetermined object on the reproducing medium having the first size in accordance with the template (instructing the user to select appropriate selections for printing via the display shown in figs. 4~5),

wherein the first size is different from the second size indicated by the size information related to the template (since the templates shown in fig. 5B have different sizes, one of them must have a different size from the recording medium & col. 2, lines 62-65); and

wherein the aspect ratio of the reproducing medium having the first size is equal to, or approximates to that of the reproducing medium having the second size (according to fig. 5B, the aspect ratio of the print size designated in fig. 4 is approximate to that of the one of the templates shown in fig. 5B (for example, they are both vertically longer)).

Ohtsuka, however, does not disclose a size information acquiring unit, which acquires size information related to a template for defining a layout of an object, the size information indicating a second size of a reproducing medium.

Fukushima, the same field of endeavor of the template printing art, discloses a size information acquiring unit, which acquires size information related to a template for defining a layout of an object, the size information indicating a second size of a reproducing medium (col. 8, lines 37-42 & fig. 9 wherein the print size is the size of the reproducing medium in col. 7, lines 24-26).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the printing system of Ohtsuka to include the size information acquiring unit as taught by Fukushima.

The suggestion/motivation for doing so would have been to inform the actual print size of the template.

Therefore, it would have been obvious to combine Ohtsuka with Fukushima to obtain the invention as specified in claim 1.

With respect to claim 2, the combination discloses the image processing system as set forth in claim 1, wherein the template includes a script which defines a print layout (fig. 2 of Ohtsuka & fig. 9 of Fukushima).

With respect to claim 3, Ohtsuka discloses an image processing system, comprising:

an operation unit, which select a first size of a print medium (selecting a size in fig. 4);

a printing medium size information acquiring unit, which acquires printing medium size information related to a script for defining a print layout (script in fig. 2 & displaying available templates having different sizes shown in fig. 5B & col. 7, lines 24-30); and

a print control unit, which outputs an instruction for printing a predetermined object on the print medium having the first size in accordance with the script (instructing the user to select appropriate selections for printing via the display shown in figs. 4~5),

wherein the first size is different from the second size indicated by the size information related to the script (since the templates shown in fig. 5B have different sizes, one of them must have a different size from the recording medium); and

wherein the aspect ratio of the print medium having the first size is equal to, or approximates to that of the print medium having the second size (according to fig. 5B,

the aspect ratio of the print size designated in fig. 4 is approximate to that of the one of the templates shown in fig. 5B (for example, they are both vertically longer)).

Ohtsuka, however, does not disclose a size information acquiring unit, which acquires size information related to a template for defining a layout of an object, the size information indicating a second size of a reproducing medium.

Fukushima, the same field of endeavor of the template printing art, discloses a printing medium size information acquiring unit, which acquires printing medium size information related to a script for defining a print layout, the size information indicating a second size of a reproducing medium (col. 8, lines 37-42 & fig. 9 wherein the print size is the size of the reproducing medium in col. 7, lines 24-26).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the printing system of Ohtsuka to include the size information acquiring unit as taught by Fukushima.

The suggestion/motivation for doing so would have been to inform the actual print size of the template.

Therefore, it would have been obvious to combine Ohtsuka with Fukushima to obtain the invention as specified in claim 3.

With respect to claim 4, arguments analogous to those presented for claims 1 and 3, are applicable.

With respect to claim 5, Ohtsuka discloses the image processing system, further comprising:

a restricting unit, which restricts available sizes of the template-related medium (listing of acceptable templates in col. 7, lines 34-35),

wherein the acquiring unit selects the second size of the template-related medium from the available sizes of the template-related medium, and acquires the template of the selected second size of the template-related medium (selecting of one of the acceptable templates in col. 7, lines 34-35). Fukushima discloses a printing medium size information acquiring unit, which acquires printing medium size information related to a script for defining a print layout, the size information indicating a second size of a reproducing medium (col. 8, lines 37-42 & fig. 9 wherein the print size is the size of the reproducing medium in col. 7, lines 24-26).

With respect to claim 6, Ohtsuka discloses the image processing system, wherein the restricting unit restricts the available sizes of the template-related medium based on a maximum size of the reproducing medium on which the object can be arranged using the template. Note that Ohtsuka teaches the method of matching available templates with the given size of the reproducing medium (col. 2, line 62 ~ col. 3, line 14).

With respect to claim 7, Ohtsuka discloses the image processing system, wherein the restricting unit restricts the available sizes of the template-related medium based on respective tolerable aspect ratio differences between the first size of the reproducing medium and the available sizes of the template-related medium. Note that Ohtsuka teaches the method of matching available templates with the given size of the reproducing medium (col. 2, line 62 ~ col. 3, line 14).

With respect to claim 8, Ohtsuka discloses the image processing system, further comprising: wherein the acquiring unit selects and acquires the template of the template-related medium from a plurality of available templates, each defining a respective different layout of the object on the template-related medium (listing of different templates in fig. 5B).

With respect to claim 9, arguments analogous to those presented for claims 1 and 3, are applicable.

With respect to claim 10, arguments analogous to those presented for claims 1 and 3, are applicable, wherein Ohtsuka further discloses a setting unit, which provides setting information for restricting a size of a producing medium, on which the object is to be arranged, using the generated template (listing of acceptable templates in col. 7, lines 34-35). Note that only certain recording sizes correspond to a particular template.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Examiner, Art Unit 2625

June 26, 2008